DOCUMENT RESUME

ED 465 279 FL 027 299

TITLE	Francophone Governance Implementation Handbook. Revised.
INSTITUTION	Alberta Learning, Edmonton. Direction de l'education francaise.
ISBN	ISBN-0-7785-1356-4
PUB DATE	2002-02-00
NOTE	63p.
AVAILABLE FROM	Alberta Learning, Learning Resources Centre, 12360-142 Street, Edmonton, Alberta T5L 4X9, Canada. Tel: 780-427-2984; Fax: 780-422-3745; e-mail: curric.contact@learning.gov.ab.ca; Web site: http://www.learning.gov.ab.ca.
PUB TYPE	Guides - Non-Classroom (055)
EDRS PRICE	MF01/PC03 Plus Postage.
DESCRIPTORS	Educational Legislation; Elementary Secondary Education; *English (Second Language); Equal Education; Foreign Countries; *French; *Governance; *Language Minorities; *Language of Instruction; Public Education
IDENTIFIERS	Alberta; *Francophone Education (Canada)

ABSTRACT

Canada's Constitution guarantees the right to the English-speaking minority in Quebec and the French-speaking minority elsewhere in Canada to have their children receive K-12 public education in the language of the linguistic minority of that province. A working group recommended a guarantee to Francophones of a distinct right of management and control of the education of Francophones. The government of Alberta developed a model for Francophone governance, and the Francophone Governance Implementation Committee developed the "Francophone Governance Implementation Handbook" to answer questions about the implementation and maintenance of Francophone governance. This guide presents: "Historical Background"; "Francophone Education Regions"; "Regional Authorities"; "Operational Funding to a Regional Authority"; "Transfer of Assets from a School Board to a Regional Authority"; "Transfer of Non-Teaching Employees from a School Board to a Regional Authority"; "Elections"; and "Bibliography." Three appendixes include applicability of legislation, ministerial orders, and forms. (SM)

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Francophone Governance Implementation Handbook

Revised February 2002

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FL027299

Francophone Governance Implementation Handbook

Revised February 2002

Prepared by the

French Language Services Branch

ALBERTA LEARNING CATALOGUING IN PUBLICATION DATA

Alberta. Alberta Learning.
Francophone governance implementation handbook

ISBN 0-7785-1356-4

1. Education – Alberta – Francophones. 2. Franco-Albertans – Education - Alberta. 3. French-Canadians – Education – Alberta. 4. School boards – Law and Legislation – Alberta. 5. School management and organization – Alberta. 6. Education and state – Alberta. I. Title

LC3734.2.A3.A333 2002 371.207

This publication is for:

Students	
Teachers	
Administrators	√
School Trustees	√
Others	√

"This handbook has been developed to assist Francophone regional authorities. It does not constitute a legal interpretation of the legislation. It is a reference guide only and must be used in all cases in conjunction with the *School Act, RSA 2000 chap. S-3 as amended,* the *Local Authorities Election Act, RSA 2000 chap. L-21* and other pertinent legislation."

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On January 1, 2002 the Revised Statutes of Alberta, 2000 came into force. The section numbers of the *School Act* have been completely changed and Bill 16, *School Amendment Act, 2001* has been inserted into the RSA 2000 under the new numbering.

1. HISTORICAL BACKGROUND

1.1 Section 23 of the *Canadian Charter of Rights and Freedoms*

Canada's Constitution gives special recognition to the English and French languages. Section 23 of the *Canadian Charter of Rights and Freedoms* guarantees the right to the English-speaking minority in Quebec and the French-speaking minority elsewhere in Canada to have their children receive primary and secondary public school instruction in the language of the linguistic minority of that province:

23(1) Citizens of Canada

a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or

b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province, have the right to have their children receive primary and secondary school instruction in that language in that Province.

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

(3) The right of citizens of Canada under subsection (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province,

a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and

b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

1.2 The *School Act* (1988)

When the *Charter* became law in 1982, Alberta Education staff and affected parties discussed how best to develop and make available programs to fulfill the rights of citizens in this province who qualify under section 23 to have their children educated in French.

The Government of Alberta proclaimed a new *School Act* in 1988, which attempted to reflect the requirements of section 23 of the *Charter*. Section 10 of the *School Act* states:

(1) If an individual has rights under section 23 of the Canadian Charter of Rights and Freedoms to have his children receive school instruction in French, his children are entitled to receive that instruction in accordance with those rights wherever in the Province those rights apply.

(2) The Lieutenant Governor in Council may make regulations respecting anything that may be required to give effect to subsection (1).

The Lieutenant Governor in Council has not made any regulations, pursuant to section 10(2) affecting the education of children of Francophone parents.

1.3 The Supreme Court of Canada decision (Mahé v. Alberta [1990] 1 S.C.R. 342)

In the March 15, 1990, Supreme Court of Canada decision Chief Justice Dickson stated:

a) *The purpose of section 23 is to preserve and enhance the French language culture and to reduce the rate of assimilation. Its purpose is to "correct, on a national scale, the progressive erosion of minority official language groups and to give effect to the concept of 'equal partnership' of the two official language groups in the context of education".*

b) *Rightly or wrongly — and it is not for the courts to decide — the framers of the Constitution manifestly regarded as inadequate some — and perhaps all — of the regimes in force at the time the Charter was enacted, and their intention was to remedy the perceived defects of these regimes by uniform corrective measures, namely those contained in section 23 of the Charter, which were at the same time given the status of constitutional guarantee.*

c) *My reference to cultures is significant: it is based on the fact that any broad guarantee of language rights, especially in the context of education, cannot be separated from a concern for the culture associated with the language.*

d) *... "The Province must enact legislation (and regulations, if necessary) that in all respects is consistent with section 23 of the Charter... To date the legislature of Alberta has failed to discharge its section 23 obligation. It should delay no longer in putting into place the appropriate minority language education scheme."*

Other conclusions reached in that Supreme Court decision have been summarized as follows:

e) Protection of the rights of the minority cannot be left in the hands of the majority.

f) Section 23 parents have a right to choose to have their children educated either in English or in French.

g) In determining whether numbers warrant either programs or schools, a sliding scale must be considered. The Court also said that in determining the number it was important to consider not only the number of section 23 parents who want a program or school (the known demand), but also the number who potentially might access the program or school.

h) Section 23 parents have a right to a certain degree of management and control of French schools. Again, a sliding scale must be considered, with French school boards being the top of the scale.

i) Where numbers warrant, section 23 confers upon minority language parents a right of management and control over the educational facilities in which their children are taught. Such management and control is vital to ensure that their language and culture flourish.

In summary, in *Mahé v. Alberta*, the Supreme Court of Canada judgment stipulated that:

j) *The general purpose of section 23 ... is to preserve and promote the two official languages of Canada, and their respective cultures, by ensuring that each language flourishes, as far as possible, in provinces where it is not spoken by the majority of the population.*

k) *A further important aspect of the purpose of section 23 is the role of the section as a remedial provision.*

l) *In addition, it is worth noting that minority schools themselves provide community centres where the promotion and preservation of minority language culture can occur; they provide needed locations where the minority community can meet and facilities that they can use to express their culture.*

The court also emphasized that each province should design a minority governance system suited to its particular needs and situation.

1.4 Appointment of the French Language Working Group

In January 1991, the Minister appointed the French Language Working Group to make recommendations for legislation to implement the Supreme Court of Canada decision in a way that suits the Alberta context and Alberta communities.

The Honourable Walter Paszkowski, MLA, Smoky River Constituency chaired the Working Group.

The members were:

Louis Desrochers, Public Member, Edmonton (Vice-Chairman)
Gérard Bissonnette, Alberta Education
John Brosseau, Conference of Alberta School Superintendents
Gary Flitton, Public Member, Vulcan
Charles Hyman, Alberta Teachers' Association
France Levasseur-Quimet, Association canadienne-francaise de l'Alberta
Mary O'Neill, Alberta School Trustees' Association
Claudette Roy, Fédération des parents francophones de l'Alberta
Russell Tynan, Public Member, Calgary

1.5 The Working Group's Guiding Principles

The Working Group based its recommendations on the following guiding principles:

a) The quality of education for Francophone children is an important objective, to be sought in conjunction with the need to preserve and enhance the French language and culture.

b) The model for management and control must be consistent with the requirements of the Supreme Court of Canada decision.

c) The remedial nature of section 23 is particularly important. Clearly, the intention of section 23 is to alter the status quo. Section 23 represents a recognition that the past and present systems have been, and are, inadequate.

d) The majority cannot look after the interests of the minority.

e) The model for management and control must be workable and effective in the Alberta context.

f) The model for management and control must be flexible enough to be used in different Regions of the province.

g) The model must look to the future as well as the present.

h) There are considerable variations in the degree of readiness for, and interest in, the different models of governance that were considered.

1.6 The Working Group's Recommendations

The recommendations contained in the Working Group's report presented to the Minister of Education, the Honourable Jim Dinning, in May 1991, culminated in the amendments to the *School Act* for the guarantee to Francophones of a distinct right of management and control of the education of Francophones.

1.7 Francophone Governance Implementation Committee

In July 1992, a committee was established to assist in the preparation for the implementation of Francophone governance. Steve Cymbol, Assistant Deputy Minister, Regional Services chaired the Committee. The members were:

Anita Belzile (Marc Arnal), Fédération des parents francophones de l'Alberta
Gérard Bissonnette, Director, Language Services Branch, Alberta Education
Paulette Briand, Field Administrative Officer, School Business, Alberta Education
Sandra Cameron, Consultant to the Deputy Minister, Alberta Education
Noël Gour, Executive Assistant, Alberta Teachers' Association
Mary O'Neill, Alberta School Boards Association
Denis Tardif, President, Association canadienne-francaise de l'Alberta

1.8 The Supreme Court of Canada Decision (Reference re: Public Schools Act (Man.) section 79(3), (4) and (7) [1993] 1 S.C.R. 839)

This Supreme Court of Canada decision rendered on March 4, 1993 stated:

a) *The general right of instruction conferred by section 23, read in the context of the section as a whole, necessarily requires that the educational facilities be of or belong to the linguistic minority group, and includes the right to a distinct physical setting and facilities.*

b) *The exercise of a full complement of this right is related to the application of the "sliding" scale approach developed in the Mahé Decision.*

c) *... if the province chooses to allow minority language parents a choice of school for instruction in the minority language, this should not be at the expense of the services provided by a French-language school board or hamper this board in its ability to provide services on a basis of equality ...*

1.9 Francophone Governance

The Government of Alberta developed a model for Francophone governance that:

a) provided for the establishment of Francophone Education Regions;

b) allowed for the establishment of co-ordinating councils to advise school boards on behalf of local Francophones in those areas of the province where there is no Regional authority;

c) ensured that assistance is provided to Francophone parents to gain access to Francophone education for their children; and

d) paved the way for the establishment of Regional authorities to manage and control Francophone schools where numbers warrant.

1.10 The Handbook

The Francophone Governance Implementation Committee developed the *Francophone Governance Implementation Handbook* in March 1994 to answer questions about the implementation and maintenance of Francophone governance.

1.11 The Supreme Court of Canada Decision (Arsenault-Cameron v. Prince Edward Island [2000] 1 S.C.R. 3)

This Supreme Court of Canada decision rendered on January 13, 2000 reinforced the previous two Supreme Court of Canada decisions in further defining the concept of "numbers warranting" as well as the purposive intent of section 23 of the *Charter* in enhancing community development.

a) *Section 23 of the Charter mandates that provincial governments do whatever is practically possible to preserve and promote minority language education.*

b) *Since section 23 favours community development and links the right to instruction to the area where conditions for the exercise of that right are present, calculation of the relevant number is not restricted to the existing school boundaries.*

1.12 Reorganization of Francophone Governance in Alberta

In a September 1999 Ministerial Order, Francophone Education Regions 2, 4, and 5 were reorganized to create the Greater North Central Francophone Education Region No. 2 Francophone governance was implemented in southern Alberta in January 2000 with the appointment, by Ministerial Order, of five members to the *Greater Southern Francophone Regional authority No. 4* (GSFA), which reorganized Francophone Education Regions 6 and 7.

1.13 Dual Constitutional Minority Rights

Negotiations for the transfer of assets and personnel of École Sainte-Marguerite-Bourgeoys from the Calgary Roman Catholic Separate School District No. 1 to the Greater Southern Francophone Regional authority No. 4 were halted by the lack of an agreement on the governance of constitutional rights for minority faith education protected by section 17 of the *Alberta Act 1905* as well as French language governance rights as guaranteed by section 23 of the *Canadian Charter of Rights and Freedoms*.

As an interim measure, until amendments to the *School Act* could be made to recognize these two rights, the Minister of Learning created two Francophone regional authorities for the Greater Southern Francophone Education Region No. 4 in July 2000 – the *Greater Southern Separate Catholic Regional authority No. 4* and the *Greater Southern Public Regional authority No. 4*.

1.14 Catholic Francophone Education Governance Advisory Committee (Ducharme Committee)

In November 2000, the Minister of Learning created the *Catholic Francophone Education Governance Advisory Committee* mandating it to

> *"...suggest legislative changes that will define the governance for Francophone education authorities that respects constitutional rights for minority faith education protected by section 17 of the Alberta Act and French language governance rights as guaranteed by section 23 of the Charter of Rights and Freedoms".*

The members of the committee were:

Denis Ducharme - Chair	M.L.A. Bonnyville-Cold Lake
Elouise Johnson	Alberta School Boards Association
Maurice Campeau	Alberta Catholic School Trustees' Association
Vital Ouellette	Association canadienne-française de l'Alberta
Pierre Desrochers	Fédération des conseils scolaires francophones de l'Alberta
Sylvie Mercier	Fédération des parents francophones de l'Alberta

Department support to the committee was supplied by:

Diane Gagnon	Senior Legislative Consultant
Valerie Keates	Director – Governance and Program Delivery
Gérard Bissonnette	Director – French Language Services

The recommendations contained in the Advisory Committee's report to the Minister of Learning, in May 2001, served as a basis for the *School Amendment Act*, 2001, defining the governance of minority-faith and minority-language education.

1.15 Revised Handbook

The Francophone Governance Implementation Committee developed the *Francophone Governance Implementation Handbook* in March 1994 to answer questions about the implementation and maintenance of Francophone governance. The handbook was revised in February 2002.

1.16 For More Information

For more information on the implementation of Francophone governance, please contact:

Gérard Bissonnette
Director, French Language Services Branch
Telephone: (780) 427-2940

Diane Gagnon
Senior Legislative Consultant, Legislative Services
Telephone: (780) 427-3798

Valerie Keates
Director, Governance and Program Delivery Branch
Telephone: (780) 427-7235

Call toll-free from outside Edmonton by dialing 310-0000, then the number above.

2. FRANCOPHONE EDUCATION REGIONS

2.1 What is a Francophone Education Region?

A Francophone Education Region is a geographical area within which a Regional authority manages and controls its Francophone schools.

Francophone Education Regions cover the whole province.

Alberta Francophone Education Regions

January 2000

The Northwest Francophone Education Region No. 1

The Greater North Central Francophone Education Region No. 2

The East Central Francophone Education Region No. 3

The Greater Southern Francophone Education Region No. 4

2.2 Is the Minister required to establish a Francophone Education Region?

The *School Act* is enabling legislation. Section 253 states:

(1) The Minister may establish any portion of Alberta as a Francophone Education Region.

(2) The order establishing a Francophone Education Region shall describe the boundaries of the Region and give it a name and number in the following form:
The_____Francophone Education Region No. _____

2.3 How is a Region established?

A Francophone Education Region is established by Ministerial Order.

2.4 How is a school jurisdiction affected by the establishment of a Francophone Education Region?

The establishment of a Francophone Education Region does not affect the administration and authority of a school jurisdiction. Section 254 of the *School Act* states:

The establishment of a Francophone Education Region does not affect a public school district or division or a separate school district established in respect of all or part of the portion of Alberta in which the Francophone Education Region is established.

2.5 Can a Region's boundaries be altered at a later date?

Yes. Under sections 238 and 239 of the *School Act*, the Minister has the authority to alter the boundaries of a Region.

2.6 How could a Region's boundaries be altered?

A Region's boundaries could be altered:

a) by including in one Region an area that was previously included in another Region;

b) by adding the entire area of one Region to the area of another Region;

c) by Ministerial Order;

d) at the Minister's discretion.

2.7 What will the five (5) Regions be?

- The Northwest Francophone Education Region No. 1;
- The Greater North Central Francophone Education Region No. 2;
- The East Central Francophone Education Region No. 3;
- The Greater Southern Public Francophone Education Region No. 4;
- The Greater Southern Separate Catholic Francophone Education Region No. 4.

2.8 Can the names of the Regions be changed at a later date?

Yes. A Regional authority can apply to the Minister to have the name of the Region changed from a geographic type description to names of individuals or places, etc.

2.9 Which school boards will be located within each Region?

a) The following public and separate school districts, school divisions and regional divisions will be located within the Northwest Francophone Education Region No. 1:

Fort Vermilion School Division No. 52
Grande Prairie Roman Catholic Separate School District No. 28
Grande Prairie School District No. 2357
Grande Yellowhead Regional Division No. 35 (those portions described in the Grande Cache School District No. 2357 Ward)
High Prairie School Division No. 48
Holy Family Catholic Separate Regional Division No. 37
Living Waters Catholic Regional Division No. 42 (that portion described in the Slave Lake Roman Catholic Separate School District No. 364)
Northern Gateway Regional Division No. 10 (those portions described in East Smoky School Division No. 54 Ward)
Northland School Division No. 61 (that portion lying West of the 5th Meridian)
Peace River School Division No. 10
Peace Wapiti Regional Division No. 33

b) The following public and separate school districts, school divisions and regional divisions will be located within the Greater North Central Francophone Education Region No. 2:

Battle River Regional Division No. 31
Black Gold Regional Division No. 18
Buffalo Trail Regional Division No. 28
Chinook's Edge School Division No. 73 (those portions described in the County of Red Deer Ward)
Clearview School Division No. 71
East Central Alberta Catholic Separate Schools Regional Division No. 12

Edmonton Roman Catholic Separate School District No. 7
Edmonton School District No. 7
Elk Island Catholic Separate Regional Division No. 41
Elk Island Public Schools Regional Division No. 14
Evergreen Catholic Separate Regional Division No. 2
Fort McMurray Roman Catholic Separate School District No. 32
Fort McMurray School District No. 2833
Grande Yellowhead Regional Division No. 35 (those portions described in the Yellowhead School Division No. 12 Ward and the Jasper School District No. 3063 Ward)
Greater St. Albert Catholic Regional Division No. 29
Lloydminster Roman Catholic Separate School Division
Lloydminster Public School Division
Northern Gateway Regional Division No. 10 (those portions described in the County of Lac St. Anne No. 28 Ward and the Whitecourt School District No. 2736 Ward)
Northland School Division No. 61 (that portion East of the 5th Meridian)
Parkland School Division No. 70
Pembina Hills Regional Division No. 7
Prairie Land Regional Division No. 25 (Those portions described in the Neutral Hills School Division No. 16 Ward)
Red Deer Catholic Regional Division No. 39
Red Deer School District No. 104
St. Albert Protestant Separate School District No. 6
St. Paul Regional Division No. 1 (those portions described in the County of Two Hills No. 21 Ward)
St. Thomas Aquinas Roman Catholic Separate Regional Division No. 38
Sturgeon School Division No. 24
Wetaskiwin Regional Division No. 11
Wild Rose School Division No. 66
Wolf Creek School Division No. 72

c) The following public and separate school districts, school divisions and regional divisions will be located within the East Central Francophone Education Region No. 3:

Aspen View Regional Division No. 19
Lakeland Roman Catholic Separate School District No. 150
Northern Lights School Division No. 69
St. Paul Regional Division No. 1 (Those portions described in the County of St. Paul No. 19 Ward and the St. Paul School District No. 2228 Ward)

d) The following public and separate school districts, school divisions and regional divisions will be located within the Greater Southern Public Francophone Education Region No. 4 and the Greater Southern Separate Catholic Francophone Education No. 4:

Calgary Roman Catholic Separate School District No. 1
Calgary School District No. 19
Canadian Rockies Regional Division No. 12
Chinook's Edge School Division No. 73 (those portions described in the County of Mountain View Ward)
Christ the Redeemer Catholic Separate Regional Division No. 3
Foothills School Division No. 38
Golden Hills School Division No. 75
Grasslands Regional Division No. 6
Holy Spirit Roman Catholic Separate Regional Division No. 4
Horizon School Division No. 67
Lethbridge School District No. 51
Livingstone Range School Division No. 68
Medicine Hat Catholic Separate Regional Division No. 20
Medicine Hat School District No. 76
Palliser Regional Division No. 26
Prairie Land Regional Division No. 25 (those portions described in the Berry Creek School Division No. 1 Ward, the Rangeland School Division No. 9 Ward and the Starland School Division No. 30 Ward)
Prairie Rose Regional Division No. 8
Rocky View School Division No. 41
Westwind School Division No. 74

2.10 Will a Region be described in the Ministerial Order by listing all those school jurisdictions that will be located within its boundaries?

No. A Region will be described as all the lands that form the public school districts and divisions contained within the Francophone Education Region.

3. REGIONAL AUTHORITIES

3.1 What is a Regional authority?

The Regional authority is a "corporation" that has all the powers of a school board.

In addition, in Francophone Education Regions 1, 2 and 3, the separate school members of a Regional authority will also be a "**separate corporation",** in accordance with section 255.4 of the *School Act*, for the purposes of ensuring that the rights and privileges with respect to separate schools guaranteed under the Constitution of Canada are protected in the Region.

3.2 What does a Regional authority do?

A Regional authority manages and controls its Francophone schools located within the Region.

3.3 What are some of the specific responsibilities and objectives of a Regional authority?

Some of the responsibilities and functions of a Regional authority are:

a) to identify section 23 rights holders in the region, inform them of their rights under section 23 of the *Charter*, and determine if they wish to exercise these rights;

b) to manage and control its Francophone school(s) located within the Region;

c) to open new schools as needs dictate;

d) to facilitate Francophone education for the children of section 23 parents living outside the attendance area of its school(s) by arranging for services to be provided;

e) to speak on behalf of the Francophone parents and Francophone students on educational matters;

f) to utilize its energy and resources to promote, develop and protect Francophone education in its Region;

g) to create and maintain unity and solidarity with other Regional authorities;

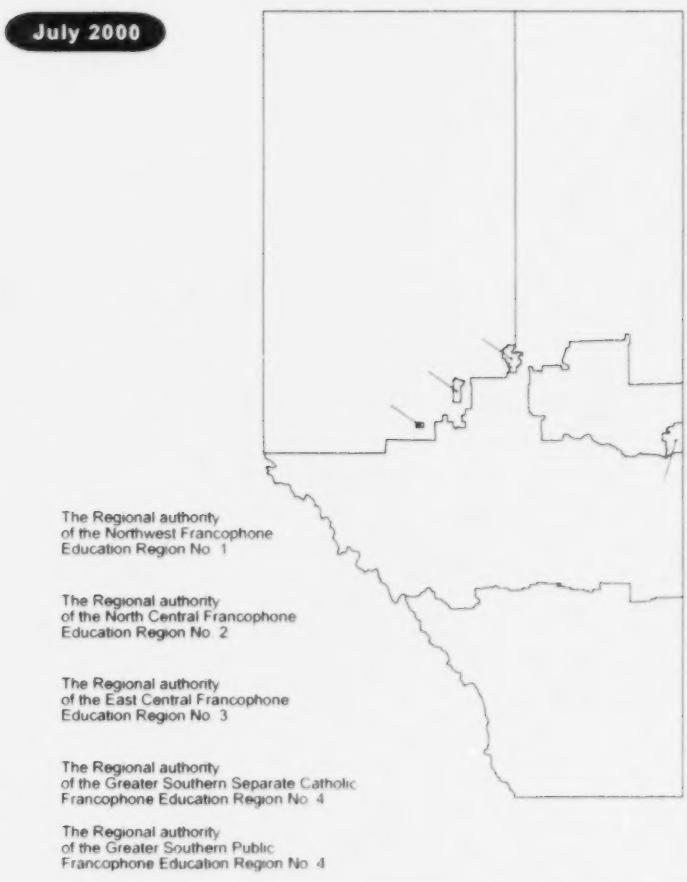
h) to promote the intellectual, cultural, social and physical well-being of its students, parents and staff;

i) to provide direction to its administration through the development of policies and regulations.

3.4 How many Regional authorities have been established?

Five (5) Regional authorities have been established, as shown on the following map. The Regional authorities in Regions 1, 2 and 3 will have the responsibility and authority to ensure that both minority language rights and the rights and privileges with respect to separate schools guaranteed under the Constitution of Canada are protected in the Regions. Region 4 will have two (2) authorities, one Public Regional authority having the responsibility to ensure that minority language education rights guaranteed under the Constitution of Canada are protected in the Region, and one Separate Catholic Regional authority having the additional responsibility and authority to ensure that the rights and privileges with respect to separate schools guaranteed under the Constitution of Canada are protected in the Region.

Alberta Francophone Regional Authorities


July 2000
The Regional authority of the Northwest Francophone Education Region No. 1
The Regional authority of the North Central Francophone Education Region No. 2
The Regional authority of the East Central Francophone Education Region No. 3
The Regional authority of the Greater Southern Separate Catholic Francophone Education Region No. 4
The Regional authority of the Greater Southern Public Francophone Education Region No. 4

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3.5 Can additional Regional authorities be established?

Yes. If, within Regions 1, 2 or 3, the public school electors exceed 30% of all public school electors and separate school electors and there are at least 500 students registered in the designated public school(s), the Minister may, upon request (section 225.1 of the *School Act*), dissolve the existing Regional authority and establish both a Public Regional authority and a Separate Regional authority.

3.6 What role would a school board play in the delivery of Francophone education programs in the Region?

School boards shall refer residents wanting to exercise their section 23 entitlements to the Regional authority serving their Region. Section 21(1) of the *School Act* does not permit a school board to provide a Francophone program to section 23 students.

3.7 Are all Francophone schools located in the Region where a Regional authority is being established being transferred to the Regional authorities?

Yes. All Francophone schools operating in the Region where a Regional authority is being established will be transferred to the Regional authority.

3.8 How can section 23 parents exercise their section 23 entitlements?

The only way section 23 parents can exercise their rights to minority-language education programs is through the Francophone Regional authorities serving their Region.

3.9 What other educational choices are available to section 23 parents?

If parents choose not to exercise their section 23 rights, they may enrol their children in a program offered by public, separate, private or charter school, according to the *School Act*.

3.10 If a Regional authority operates a K - 9 school in a community, could it arrange for the education in French of grade 10 - 12 Francophones?

Yes. The Regional authority may purchase services from a neighbouring school board or provide for boarding arrangements for students to attend a Francophone school outside their community under section 62 of the *School Act*.

The department's coding system will be modified to accommodate these special arrangements.

3.11 Can a Regional authority supervise "home education"?

Yes. A Regional authority has all the powers of a school board and therefore can enter into contracts with parents to provide a home education program.

As a willing non-resident board, the Regional authority would be funded in the same manner as other willing non-resident boards.

3.12 Must a Francophone school be in a distinct facility operated by Regional authority?

No. A school is a "structured learning environment". There is no requirement for the school to be in a distinct setting in order for it to be managed and controlled by a Regional authority.

3.13 Who can attend school(s) operated by a Regional authority?

Section 6 of the *School Act* states:

(1) If a student's parent is a Francophone who requests that the student be enrolled in a school operated by a Regional authority and the student resides within the distance from the school prescribed by regulation, the student is entitled to attend that school and the Regional authority shall enrol the student in that school.

Students living within daily commuting distance are entitled to a Francophone education; the Regional authority must enrol them in its school(s).

3.14 What is a Francophone student entitled to?

Section 10 of the *School Act* states:

(3) A student who is enrolled in a school operated by a Regional authority is entitled to receive school instruction in French.

(4) A Regional authority shall provide to each student enrolled in a school operated by it an education program consistent with the requirements of this Act and the regulations.

3.15 Will a Regional authority operate its Francophone school(s) as separate or public schools?

Francophone Regional authorities 1, 2 and 3 must determine the denominational affiliation of its school(s), in accordance with section 255.3 of the *School Act*. The process to make this determination is at the discretion of the Regional authorities.

These authorities must accommodate the preferences of parents for religious instruction to their children in these schools subject to section 50 of the *School Act*, which allows parents to have their children excused from religious exercises and instruction.

The separate school members of the Regional authority of each Region will have the responsibility and authority to ensure that the rights and privileges with respect to separate schools guaranteed under the Constitution of Canada are protected in the Region.

3.16 Can a Regional authority admit children of parents who do not qualify under section 23 of the *Charter* into its school(s)?

Like all school boards, a Regional authority is able to establish its admittance criteria; but, only the child of a section 23 parent is entitled to attend a Francophone school.

NOTE: Once a child of ineligible parents has been enrolled, these parents are entitled to enrol all their other children.

3.17 Can a child of a Francophone parent attend a Francophone school operated by a Regional authority even if the parent lives outside the Francophone school's regular attendance area?

Yes. Section 6 of the *School Act* states:

(2) If a student's parent is a Francophone who requests that the student be enrolled in a school operated by a Regional authority and the student does not reside in the Region within the distance from the school prescribed by regulation, the Regional authority may enrol the student in that school under the terms set by the Regional authority.

3.18 What is the language of operation of a Regional authority?

Under section 68 of the *School Act*, Regional authorities may operate in the language of their choice. It states *"the board may make rules governing its internal procedure and its meetings"*.

3.19 Could a Regional authority communicate with the provincial government or its agencies in French?

In accordance with the *Languages Act – Loi linguistique* (RSA 2000, chap. L-6) communication between a Regional authority and the provincial government or its agencies shall be in English; but, other arrangements could be made with specific divisions or branches of the various government departments or agencies.

3.20 Can a Regional authority be dissolved?

Section 257 of the *School Act* states:

(1) A Regional authority may pass a resolution requesting the Minister to dissolve the Regional authority.

(2) The Minister, subject to any terms or conditions the Minister imposes, may dissolve a Regional authority whether or not the Minister receives a resolution requesting the dissolution.

3.21 What happens to the Regional authority's assets and liabilities at the time of dissolution?

Section 257 of the *School Act* states:

(3) If on dissolution of a Regional authority the Minister considers an adjustment of assets or liabilities to be necessary, the Minister shall, by order, give directions with respect to the assets or liabilities of the Regional authority.

4. 0PERATIONAL FUNDING TO A REGIONAL AUTHORITY

4.1 How will a Regional authority be funded?

Regional authorities will be funded in the same manner as other school jurisdictions as provided through the *Funding Manual for School Authorities*, which recognizes the special circumstances particular to Francophone Regions.

4.2 What type of funding does a Regional authority receive through the *Funding Manual for School Authorities*?

Regional authorities currently receive funding through the:

a) Basic Instruction Block including
- grades 1-9 per funded student,
- grades 10-12 CEU,
- outreach program,
- students with severe disabilities,
- English as second language,
- sparsity/distance,
- teacher assistants program,
- early literacy program,
- learning resources credit,
- technology integration,
- home education,
- French first language upgrading, and
- growth and density.

b) Support Block including
- plant operation and maintenance,
- system administration,
- boarding,
- rural transportation,
- special transportation, and
- urban transportation.

c) Early Childhood Services
- basic instruction,
- portable classrooms,
- mild or moderately disabled,
- program unit,
- special needs transportation,
- regular transportation,
- early literacy, and
- plant operations and maintenance.

d) Other funding
   - Alberta Initiative for School Improvement,
   - teacher salary enhancement,
   - Student Health Initiative,
   - debt retirement, and
   - supernet access (to be established).

e) Capital Funding
   - upon approval by the Ministers of Alberta Infrastructure and Alberta Learning.

4.3 What federal funding is available to Regional authorities?

Regional authorities are eligible to receive funding made available through the *Canada-Alberta Agreement for Minority-Language Education and Second-Language Instruction*. The following funding is available:

a) A French language program grant at rates established for students enrolled in K-12 programs;

b) Federal funding is designated to the *Réseau d'adaptation scolaire* to provide assessment and consultation services in French for special needs students enrolled in Regional authority schools, and to support Regional authorities in designing services and programs for those students;

c) All French language programs in Alberta are eligible, annually, for program expansion and development funding based on established criteria;

d) All French language programs in Alberta benefit from federal funding supporting Regional Consortia professional development activities and services provided in French; and

e) All French language programs in Alberta can benefit from federal funding supporting French language distance learning and/or Alberta Online Consortium initiatives.

5. TRANSFER OF ASSETS FROM A SCHOOL BOARD TO A REGIONAL AUTHORITY

5.1 When would it be appropriate to transfer assets from a school board to a Regional authority?

a) When a Regional authority is established, it must be provided with facilities to meet the needs of its Francophone students.

b) When a Regional authority expands its programs, it must be provided with facilities to meet the needs of its Francophone students.

5.2 Under what authority could the Minister require a school board to transfer its assets to a Regional authority?

Section 255 of the *School Act* states:

(4) The board of a district or division required by the Minister to do so must enter into an agreement with the Regional authority respecting any matter the Minister considers necessary, including, but not limited to, dealing with assets and liabilities and the transfer of employees.

5.3 Who shall be involved in the negotiation of the transfer of assets?

The Regional authority and the school board will be the participants in the negotiation of the transfer of the assets.

5.4 What is the Minister's recourse if a Regional authority and a school board cannot reach an agreement within a reasonable time from the date of the establishment of the Regional authority?

The final decision respecting the transfer of assets rests with the Minister of Learning.

Section 255 of the *School Act* states:

(5) If a board referred to in subsection (4) and the Regional authority do not enter into an agreement under subsection (4) within a period that the Minister considers reasonable, the Minister may make an order respecting any matter the Minister considers necessary.

5.5 What would the Minister consider as a reasonable time for the Regional authority and a school board to negotiate and enter into an agreement?

Three (3) months or as may be specified by the Minister in his letter.

5.6 What would the Minister do when the reasonable time for entering into an agreement for the transfer of assets has lapsed?

The Minister would appoint a person to mediate the negotiation process.

If the mediation process fails, the Minister will execute the transfer of assets in any manner considered appropriate.

5.7 What would a school board be required to transfer?

Those assets used specifically by the board in the delivery of educational services to section 23 students shall be transferred to the Regional authority:

a) school site and building;

b) playground equipment;

c) the school's furniture and equipment (administrative and instructional);

d) the school's janitorial equipment and supplies;

e) the school's instructional supplies, library and media materials and texts; and

f) other assets as determined through the negotiation process.

The school board shall be required to transfer to the Regional authority those assets required for the continued operation of the Francophone school with a quality of service that is comparable to the education provided to the other resident students of the board.

5.8 What happens if the school board has received approval to undertake Building Quality Restoration Projects (BQRP) and/or Modernization Projects on the school that is being transferred?

Any capital plan for modernization or new construction shall proceed and be coordinated by the receiving Regional authority in consultation with Alberta Learning and Alberta Infrastructure. All funding for any project already advanced to the school board shall be transferred from the school board to the Regional authority. In the event of a project under construction using BQRP or modernization block funding, the school board should be compensated by the Regional authority.

5.9 How will the province compensate a school board for the assets being transferred?

A school board is reimbursed, in accordance with the *Disposition of Property Regulation*, for the non-depreciated portion of the school that is being transferred to the Regional authority. This is negotiated between the school board and Alberta Infrastructure and only relates to the school building.

The school board will not receive any compensation for the transfer of other assets as the assets were acquired for the education of the students being transferred.

5.10 How will the Minister ensure that appropriate facilities are transferred to Regional authorities?

The Minister of Infrastructure will make Regional authorities a top priority to acquire any suitable excess school space.

5.11 When assets are transferred from a school board to a Regional authority, what must happen to ensure the protection of assets?

The receiving Regional authority must ensure that all insurance is in place to ensure the protection of assets.

5.12 When contracts for utilities are transferred from a school board to a Regional authority, what happens with charges associated with the transfer?

The receiving Regional authority will be responsible for any charges associated with the transfer of accounts related to utilities.

5.13 When services are transferred from a school board to a Regional authority, what happens with contractual obligations that are in place related to services between the school board and outside providers in delivering education services to the school(s) being transferred?

All contractual obligations related to services between the school board and outside providers in delivering education services to the school(s) will be transferred to the receiving Regional authority at no cost to the transferring school board. The school board will be responsible for the cost of services until such a time as the transfer takes place.

6. TRANSFER OF TEACHERS FROM A SCHOOL BOARD TO A REGIONAL AUTHORITY

6.1 Is a school board obliged to transfer some of its teachers to a Regional authority?

Yes. Section 255 of the *School Act* states:

(4) The board of a district or division required by the Minister to do so must enter into an agreement with the Regional authority respecting any matter the Minister considers necessary, including, but not limited to, dealing with assets and liabilities and the transfer of employees.

6.2 What is the Minister's recourse if a Regional authority and a school board cannot reach an agreement within a reasonable period of time?

The final decision respecting the overall transfer of employees rests with the Minister of Learning, as per section 255 of the *School Act*:

(5) If a board referred to in subsection (4) and the Regional authority do not enter into an agreement under subsection (4) within a period that the Minister considers reasonable, the Minister may make an order respecting any matter the Minister considers necessary.

Arrangements to transfer teachers would be included and would take into account the existing collective agreement(s).

6.3 What would the Minister consider as a reasonable time for the Regional authority and a school board to negotiate and enter into an agreement?

Three (3) months or as may be specified by the Minister in his letter.

6.4 What basic principle would the Minister like to see applied by the school board and the Regional authority when negotiating the transfer of teachers?

The Minister would like the school board and the Regional authority to endeavor to adhere to the principle of "least disruption" for the students, teachers and parents involved.

6.5 What limitations, if any, would apply to the school board and the Regional authority when negotiating the transfer of teachers?

The *School Act* does not restrict school boards and Regional authorities in their negotiation of the transfer of teachers. However, they would be limited by the relevant sections of the *Labour Relations Code* with respect to the assignment of collective agreements.

As successor to the school board, the Regional authority will recognize the collective agreement between the board and the Alberta Teachers' Association, as bargaining agent for the teachers, pursuant to sections 46 and 48 of the *Labour Relations Code*. This collective agreement will remain in effect until such time as a new agreement is negotiated between the Regional authority and the Alberta Teachers' Association.

6.6 Must a teacher currently employed at the Francophone school to be transferred become the employee of a Regional authority?

The decision to transfer from the school board to the Regional Authority is at the teacher's discretion. However, the authority may require that the teacher be of the Catholic faith when transferring to a Catholic school.

The teacher may decide to remain with the board and be reassigned in accordance with board policy.

The Minister expects the school board and Regional authority to respect the intent and mechanism for teacher transfers contained in section 242 of the *School Act*.

6.7 What basic principles contained in section 242 of the *School Act* would apply to the negotiation of the transfer of teachers?

a) The percentage of the total number of students transferred determines the percentage of the total number of teachers to be transferred.

b) The teacher may choose to become an employee of the Regional authority or remain as an employee of the school board.

c) The teacher's salary will remain the same and comparable benefits would be provided until the collective agreement is renegotiated.

6.8 With whom does the Regional authority negotiate the transfer? With individual teachers? With the school board?

The Regional authority negotiates the transfer of teachers with the school board as per section 255 of the *School Act*. It states:

(4) The board of a district or division required by the Minister to do so must enter into an agreement with the Regional authority respecting any matter the Minister considers necessary, including, but not limited to, dealing with assets and liabilities and the transfer of employees.

6.9 How will the process evolve?

a) The Regional authority will negotiate, with the board, a list of teachers to be transferred based on the proportion of teachers as determined under section 242 of the *School Act*. These teachers may be required to be Catholic if transferring to a Catholic school.

b) The option of becoming an employee of the Regional authority is given first to the teachers in the school to be transferred to the Regional authority subject to clause (a) in this section.

c) A teacher who is currently designated as a school-based administrator (principal and vice-principal) of a school to be transferred to the Regional authority is entitled to retain that designation subject to clause (a) in this section.

6.10 Under what terms and conditions would a teacher become an employee of a Regional authority?

In reaching an agreement with the school board, the Regional authority would:

a) issue a contract of employment corresponding to the contract in effect with the school board prior to the teacher's being employed by the Regional authority; and

b) when determining seniority, recognize the teacher's teaching experience with the school board as though that teaching service had accrued with the Regional authority.

6.11 If a number of teachers decline the transfer, where will the Regional authority obtain other teaching staff?

The school board may establish a pool of willing and qualified teachers from its staff for the purpose of the Regional authority selecting a full complement of teachers for the

newly established school. The Regional authority would not be required to select or offer a contract to teachers from this pool.

6.12 If a number of teachers decline the transfer, what will the school board do with its excess teaching staff?

The school board would apply its staff reduction policy to address excess teaching staff. Teachers should be told of this possibility when informed of their options.

6.13 Can a Regional authority recruit teachers who are not currently employed by the school board?

Yes. If the number of teachers from the school board who accept employment with the Regional authority is less than the number of positions to be filled, in accordance with the response in 6.9(b), the Regional authority may proceed with the recruitment of other teachers.

6.14 What provision could be made for a realignment of the actual number of teachers transferred?

The Regional authority and the school board, in recognizing the welfare of their teachers, may negotiate a clause in their transfer agreement whereby the number of teaching staff transferred is realigned to the actual number of students enrolled. The agreement may provide as follows:

a) the student enrollment on September 30 of the first school year that the school is operated by the Regional authority would determine whether a realignment of the number of staff transferred to the Regional authority is required;

b) the final adjustment would occur no later than October 15; and

c) teachers identified as excess to the Regional authority through the realignment process would retain their employment status with the school board.

6.15 Could a school board and a Regional authority make arrangements other than an outright transfer of the teacher?

The parties may enter into a contractual arrangement that allows for teacher secondment(s) or leaves of absence for teaching staff. This would be particularly useful when a transfer occurs during the middle of a school year.

6.16 What provisions should the Regional authority have in place prior to the transfer of teaching staff?

The Regional authority should have conditions of employment in place consistent with the policies and practices of the school board and with the collective agreement in effect between the school board and the Alberta Teachers' Association. This includes, but is not limited to, payroll services, employee benefits, insurance, and policies and practices related to human resources and employment.

7. TRANSFER OF NON-TEACHING EMPLOYEES FROM A SCHOOL BOARD TO A REGIONAL AUTHORITY

7.1 What type of positions are included in "non-teaching employees"?

Non-teaching employees may include:

a) in the school: the school secretary, librarian, classroom aides, custodial staff, etc.;

b) other non-school based employees who work exclusively on services provided to the school being transferred.

7.2 Is a school board obliged to transfer some of its non-teaching staff to a Regional authority?

Yes. Section 255 of the *School Act* states:

(4) The board of a district or division required by the Minister to do so must enter into an agreement with the Regional authority respecting any matter the Minister considers necessary, including, but not limited to, dealing with assets and liabilities and the transfer of employees.

7.3 What is the Minister's recourse if a Regional authority and a school board cannot reach an agreement within a reasonable period of time?

The final decision respecting the transfer of employees rests with the Minister of Learning, as per section 255(1) of the *School Act*:

(5) If a board referred to in subsection (4) and the Regional authority do not enter into an agreement under subsection (4) within a period that the Minister considers reasonable, the Minister may make an order respecting any matter the Minister considers necessary.

7.4 What would the Minister consider as a reasonable time for the Regional authority and a school board to negotiate and enter into an agreement?

Three (3) months or as may be specified by the Minister in his letter.

7.5 What basic principle would the Minister like to see applied by the school board and the Regional authority when negotiating the transfer of these employees?

The Minister would like the school board and the Regional authority to adhere to the principle of "least disruption" for the students, employees and parents involved.

7.6 What limitations, if any, would apply to the school board and the Regional authority when negotiating the transfer of these employees?

The *School Act* does not restrict the school board and the Regional authority in their negotiation of the transfer of employees. However, they would be limited by the various sections of the *Labour Relations Code* with respect to the assignment of collective agreements.

If the non-teaching employees are members of a union, the Regional authority shall recognize, as successor to the school board, the collective agreement(s) between the board and the union(s), pursuant to sections 46 and 48 of the *Labour Relations Code*. This collective agreement would remain in effect until such time as a new agreement is negotiated between the Regional authority and the union(s).

7.7 With whom does the Regional authority negotiate the transfer? With individual employees? With the school board?

The Regional authority negotiates the transfer of employees with the school board as per section 255 of the *School Act*. It states:

(4) The board of a district or division required by the Minister to do so must enter into an agreement with the Regional authority respecting any matter the Minister considers necessary, including, but not limited to, dealing with assets and liabilities and the transfer of employees.

7.8 How will the process evolve?

The school board and the Regional authority will negotiate a list of non-teaching employees to be transferred.

a) The option of becoming an employee of the Regional authority is given first to the employees in the school to be transferred to the Regional authority.

b) The school board may establish a pool of willing and qualified non-teaching employees from its staff for the purpose of the Regional authority selecting a full

complement of non-teaching employees for the newly established school. The Regional authority would not be required to select or offer a contract to non-teaching employees from this pool.

The Regional authority will offer employment to those employees who have been included in the initial negotiation.

The employee may decide to remain with the current board and be reassigned to another school or accept a position with the Regional authority.

7.9 Can a Regional authority recruit non-teaching employees who are not currently employed by the school board?

Yes. If the number of non-teaching employees from the school board who accept employment with the Regional authority is less than the number of positions to be filled, the Regional authority may proceed with the recruitment of other non-teaching employees.

7.10 What will happen to the non-teaching employees who decline a transfer to the Regional authority?

The school board will apply, in compliance with relevant collective agreements, its non-teaching employees reduction policy to address excess staff. Non-teaching employees currently employed at the school being transferred will be told of this possibility when informed of their options.

7.11 Could a school board and a Regional authority make arrangements other than an outright transfer of non-teaching employees?

The parties may enter into a contractual arrangement that allows for non-teaching employee secondments or leaves of absence for non-teaching employees. This would be particularly useful when a transfer occurs during the middle of a school year.

7.12 What provisions must the Regional authority have in place for the transfer of non-teaching employees from the school board?

The Regional authority must have in place conditions of employment consistent with the school board's policies and practices and with the collective agreement between the school board and appropriate unions. This includes, but is not limited to, payroll services, employee benefits, insurance, and policies and practices related to human resources and employment.

8. ELECTIONS

8.1 Who is eligible to vote in an election for the members of a Regional authority?

The general requirements to be able to vote in an election for members of a Regional authority are stated in the *School Act* section 256:

(1) For the purposes of this Act and the Local Authorities Election Act, an individual is eligible to vote in an election of members of a Regional authority, if

(a) the individual

(i) is a Francophone,
(ii) has a child who is enrolled in a school operated by the Regional Authority,
(iii) is 18 years of age or older,
(iv) is a Canadian citizen, and
(v) has been a resident of Alberta for 6 consecutive months immediately preceding election day,

or

(b) the individual is a member of a class of individuals prescribed by the Lieutenant Governor in Council as being eligible to vote.

(1.1) In addition to the requirements of subsection (1),

(a) an individual who is a separate school elector may only vote for a candidate who is standing for election as a separate school member, and

(b) an individual who is a public school elector may only vote for a candidate who is standing for election as a public school member.

In Regions 1, 2 and 3 this means that electors who meet the qualifications in section 256(1) will vote for candidates running as separate school members of the Regional authority if the person is a separate school elector and public school electors will vote for candidates running as public school members.

8.2 Who are eligible to be electors in the denominational Francophone authorities in southern Alberta?

In addition to the general requirements for eligibility as a Francophone elector, as described above, additional specific requirements apply in the Greater Southern Public Francophone Region No. 4 and the Greater Southern Separate Catholic Francophone Region No. 4.

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In the Greater Southern Separate Catholic Francophone Region No. 4 only those parents who are Catholic may be electors who can nominate and vote in elections for members of the Greater Southern Separate Catholic Francophone authority.

In the Greater Southern Public Francophone Region No. 4, only those parents who are non-Catholic may be public Francophone electors eligible to nominate candidates for election. A special provision in the *School Act* s. 255.2(5) gives all parents, who meet the general qualifications (see section 8.1), the right to vote in elections for members of the Greater Southern Public Francophone authority.

Section 255.5 states that:

(5) Notwithstanding section 256(1.1), a separate school elector who has a child enrolled in a public school in the Greater Southern Public Francophone Region No. 4 may vote for a candidate who is standing for election as a public school member.

8.3 Who is eligible to nominate a member to run for election?

Section 256(2) states that:

(2) For the purposes of this Act and the Local Authorities Election Act, and notwithstanding section 21 of the Local Authorities Election Act, an individual who may vote in an election of members of a Regional authority may

(a) in the case of a separate school elector, nominate an individual as a candidate to stand for election as a separate school member, and

(b) in the case of a public school elector, nominate an individual as a candidate to stand for election as public school member.

8.4 Who is eligible to be nominated as a candidate in an election as a member of a Regional authority?

Section 256(3) and (3.1) define the qualifications needed to be a candidate. They are:

(3) For the purposes of this Act and the Local Authorities Election Act, an individual is eligible to be elected as a member of a Regional authority if the individual

(a) is 18 years of age or older,
(b) is a Canadian citizen,
(c) has been a resident of Alberta for the 6 consecutive months immediately preceding nomination day, and
(d) is not otherwise ineligible under the Local Authorities Election Act.

(3.1) In addition to the requirements of subsection (3), an individual standing as a candidate for election

(a) as a separate school member must be of the same faith, whether Protestant or Roman Catholic, as the minority of all individuals living within the boundaries of the Region as determined by the Minister under section 253.1, and

(b) as a public school member may not be of the same faith, whether Protestant or Roman Catholic, as the minority of all individuals living within the boundaries of the Region as determined by the Minister under section 253.1.

8.5 How will the number of Roman Catholic members elected in Regions 1, 2 and 3 be determined?

The authorities in these Regions will undertake a process, using a form prescribed by the Minister, to determine the number of separate Francophone school electors there are in each Region. Once this number is known, the proportion of Roman Catholic electors to the total number of electors in the Region will help the authorities determine the proportion of separate members to be elected to the authority.

8.6 When are the first and subsequent general elections going to be held?

The first election will be held early in 2002. From that point on, the authorities will resume the election schedule that all municipal and school authorities follow. They elect their local government representatives at general elections held every three years. The next general election will be held in October 2004.

8.7 Will the advertisement and nomination forms be prescribed?

Yes. The notice of nomination forms, etc. will be as prescribed by the Minister of Municipal Affairs since the *Local Authorities Election Act* comes under the auspices of that Department.

The forms used will be a French version of the prescribed forms, modified to suit the particular needs of the Regional authorities of the Francophone education regions.

8.8 Would a parent whose child is attending another school under a tuition agreement between a Francophone authority and another school authority be an elector?

Yes.

8.9 Would a parent whose child is only on a home education program be an elector?

Yes. The parents of a student registered in a home education program that is supervised by a Regional authority would be eligible to be electors.

8.10 Are parents with children attending Francophone schools operated by two different Regional authorities entitled to vote in elections for both authorities?

Yes. Parents with children attending Francophone schools in two different authorities will be eligible to vote in elections in both authorities, subject to any denominational requirements that apply.

8.11 Do electors in a Regional authority retain their right to vote in their school board elections?

Yes. Section 256 of the *School Act* states:

(4) A person who is eligible to vote in an election for a board other than a Regional authority and in an election for a Regional authority may exercise the right to vote in both elections.

8.12 Can a member of a Regional authority also be a trustee on a school board?

No. Section 256(5) of the *School Act* states:

(5) A person may be a member of only one of a Regional authority or a board at any particular time.

8.13 Who will pay the costs associated with the nomination/election process?

The Regional authority.

8.14 How does a Regional authority establish a ward system for election of members?

1. Regional authorities can determine the ward system to be used, under section 262 of the *School Act*, if determined by them to be necessary.

2. The number of public members on a Regional authority will be determined by the percentage of public electors.

4. When, on a seven member authority, the percentage of public electors reaches 29%, two public members must be elected. However, once the percentage exceeds 20%, the authority may choose to elect a second public member.

5. When, on a five member authority, the percentage of public electors reaches 40%, two public members may be elected. However, once the percentage exceeds 30%, the authority may choose to elect a second member.

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To view judgments mentioned in this bibliography, please consult the website http://www.scc-csc.gc.ca

APPLICABILITY OF LEGISLATION

1. Do all sections of the *School Act* apply to a Region and a Regional authority?

Generally, a Regional authority is given the same powers and responsibilities as a school board. There are some sections of the *School Act* that do not apply to a Region and a Regional authority. These exceptions are cited in section 4(1) of the *School Act:*

4(1) The following apply to a Francophone Education Region and its Regional authority, if any, as if the Region were a district and the Regional authority were a board:

sections 1 to 4;
Part 1;
Part 2 except section 28
Part 3 except sections 44 and 45;
Part 4;
Part 5;
sections 145 to 152, 178, 183 and 184 to 189;
Part 7 except section 200(3);
sections 238 to 245 and 247 to 252;
Part 10.

2. Why do certain sections of the School Act not apply to a region nor to a Regional authority?

a) Section 28 of the *School Act* deals with the operation of private schools.

b) Section 44 elaborates on the definition of the resident student.

c) Section 45 deals with a school board's responsibility to its resident students.

d) Sections 145 to 152, 178, 183 and 184 to 189 in Part 6 of the *School Act* all apply to a Region and a Regional authority.

e) Section 200(3) of the *School Act* does not apply to a Region or to a Regional authority. It states:

(3) Where a board no longer has a use for a school building, the Minister may in writing direct the board to dispose of that property at fair market value subject to those terms or conditions that the Minister prescribes.

f) Sections 238 to 245 and 247 to 252 in Part 8 of the *School Act* apply to a Regional authority. The sections of Part 8 that do not apply are:

- Sections 207 to 211 dealing with the establishment and dissolution of public school districts and divisions;
- Sections 212 to 221 dealing with the establishment and dissolution of separate school districts;
- Sections 221.1 to 221. 3 dealing with the Establishment of Separate School Regions;
- Section 222 to 237 dealing with the Establishment and Dissolution of Regional Divisions;
- Section 246 dealing with the establishment of boards of trustees of a school district, a separate school district, a school division and a regional division.

3. Is there anything in the *School Act* that emphasizes the similarities between a Regional authority and a school board?

Yes. Section 4 of the *School Act* states:

(2) If a provision of this Act applies to a Region, a reference to a board in the provision is deemed to include a reference to a Regional authority, if any.

(3) If a provision of this Act applies to a Region, a reference to a trustee in the provision is deemed to include a reference to a member of the Regional authority, if any.

(4) If a provision of this Act applies to a Region, a reference to a resident student in the provision as it applies to the Region is deemed to be a reference to a student enrolled in a school operated by a Regional authority, if any.

(5) If a provision of this Act applies to a Region, a reference to an elector in the provision as it applies to the Region is deemed to be a reference to an individual referred to in section 256(1).

4. Are Regions and Regional authorities recognized in other provincial legislation?

Section 4 of the *School Act* states:

(6) If in any other Act a reference is made

(a) to a school district or division, the reference is deemed to include a Region governed by a Regional authority, or

(b) to a school board or the trustees of a school board, the reference is deemed to include a Regional authority or the members of a Regional authority, as the case may be.

(7) Subsection (6) does not apply to a reference in the following Acts:

Condominium Property Act;
Drainage Districts Act;
Health Insurance Premiums Act;
Hospitals Act;
Northland School Division Act;
Parks Towns Act.

(8) Notwithstanding subsections (1) and (6), the Minister may exempt a Region or a Regional authority from the application of a provision of this or any other Act.

GOVERNMENT 0F ALBERTA
DEPARTMENT 0F LEARNING

MINISTERIAL ORDER (#025/99)

I, Dr. Lyle Oberg, Minister of Learning, pursuant to sections 2. 1, 209, 210, 211, 212, 219, 223.1, 223.3, 223.5, 223.6, 223.8 of the **School Act,** make the Order in the attached Appendix, being the 1999 Francophone Governance Order.

DATED at Edmonton, Alberta September 1, 1999.

MINISTER OF LEARNING

APPENDIX

MINISTERIAL ORDER (#025/99)

The Northwest Francophone Education Region No.1

1 a) Pursuant to section 223.1 of the **School Act,** and as a result of regionalizations and amalgamations of public school districts, school divisions and counties it is hereby ordered that all the lands that form the following school divisions, regional divisions and public school districts shall be contained within The Northwest Francophone Education Region No. I ("Northwest Francophone Education Region No. 1"):

Peace River School Division No. 10
Peace Wapiti Regional Division No. 33
High Prairie School Division No. 48
Fort Vermilion School Division No. 52
Northern Gateway Regional Division No. 10 (those portions described in East Smoky School Division No. 54 Ward)
Northland School Division No. 61 (that portion lying West of the 5th Meridian)
Grande Prairie School District No. 2357
Grande Yellowhead Regional Division No. 35 (those portions described in the Grande Cache School District No. 5258 Ward)

b) Pursuant to section 223.3 of the **School Act,** it is hereby ordered that The Northwest Regional authority No. 1 established by Ministerial Order 029/94 dated March 14, 1994 is continued and the existing members of the Regional authority continue as a corporation under the name of "The Regional authority of the Northwest Francophone Education Region No. 1" ("Northwest Regional authority No. 1").

c) Pursuant to section 223.3 of the **School Act,** the following persons duly elected on October 19, 1998 shall continue as members of Northwest Regional authority No. 1 and shall continue to hold office until the first organizational meeting of Northwest Regional authority No. 1 held after the 2001 general election:

i) Jocelyne Doucet
ii) Marc Lavoie
iii) Christian Maisonneuve

iv) Chantal Monfette
v) Joanne Perrot

d) The number of trustees to be elected to Northwest Regional authority No. 1 continues to be five (5).

Establishment of The Greater North Central Francophone Education Region No. 2

2 a) Pursuant to sections 2.1 and 210 of the **School Act**, all of the lands are taken from the following Francophone Education Regions and are added to The North Central Francophone Education Region No. 4 established by Ministerial Order 031/94 dated March 14, 1994:

Northeast Francophone Education Region No. 2
Central Francophone Education Region No. 5

b) Pursuant to sections 2.1, 210 and 211 of the **School Act,** the following Francophone Education Regions are dissolved:

Northeast Francophone Education Region No. 2
Central Francophone Education Region No. 5

c) Pursuant to sections 2.1 and 209 of the **School Act,** the name and number of "The North Central Francophone Education Regior No. 4" are altered to "The Greater North Central Francophone Education Region No. 2".

d) Pursuant to section 223.1 of the **School Act**, and as a result of regionalizations and amalgamations of public school districts, school divisions and counties, it is hereby ordered that all the lands that form the following school divisions, regional divisions, and public school districts shall be contained within The Greater North Central Francophone Education Region No. 2:

St. Paul Regional Division No. 1 (those portions described in the County of Two

Hills No. 21 Ward)
Pembina Hills Regional Division No. 7
Prairie Land Regional Division No. 25 (those portions described in the Neutral Hills School Division No. 16 Ward)
Red Deer School District No. 104
Northland School Division No. 61 (that portion lying East of the 5th Meridian)
Fort McMurray School District No. 2833
Elk Island Public Schools Regional Division No. 14
Grande Yellowhead Regional Division No. 35 (those portions described in the Yellowhead School Division No. 12 Ward and the Jasper School District No. 3063 Ward)
Sturgeon School Division No. 24
Buffalo Trial Regional Division No. 28
Parkland School Division No. 70
Edmonton Public School District No. 7
Black Gold Regional Division No. 18
Battle River Regional Division No. 31
Lloydminster Public School District No. 1753
Wolf Creek School Division No. 72
Northern Gateway Regional Division No. 10 (those portions described in the County of Lac Ste. Anne No. 28 Ward and the Whitecourt School District No. 2736 Ward)
Chinook's Edge Regional Division No. 5 (those portions described in the County of Red Deer No. 23 Ward)
Wild Rose School Division No. 66
Clearview School Division No. 71
Greater St. Albert Catholic Regional Division No. 29
Wetaskiwin Regional Division No. 11

e) Pursuant to section 223.3 of the **School Act,** it is hereby ordered that The Regional authority of the Greater North Central Francophone Education Region No. 2 is established and the members of the Regional authority are a corporation under the name of "The Regional authority of the Greater North Central Francophone Education Region No. 2" ("Greater North Central Regional authority No. 2")

f) Pursuant to section 223.3 of the **School Act,** the following persons duly elected on October 19, 1998 to the Regional authority of the North Central Francophone Region

No. 4 shall continue as members and shall continue to hold office as members of Greater North Central Regional authority No. 2:

i) Pierre Desrochers
ii) Zacharie Magnan
iii) Patricia Rijavec
iv) Christiane Spiers
v) Denis Tardif

and the following Francophones are appointed:

i) Claude Duret
ii) Leo Parent

and shall hold office until the first organizational meeting of Greater North Central Regional authority No. 2 held after the 2001 general election.

g) The number of trustees to be elected to Greater North Central Regional authority No. 2 shall be seven (7).

h) Pursuant to sections 212 and 223.5 of the **School Act**, The Regional authority of the North Central Francophone Region No. 4 established March 14, 1994 by Ministerial Order 031/94 ("Old North Central Regional authority No. 4") is dissolved and having considered that an adjustment of assets and liabilities may be necessary, I direct that ali assets and liabilities of Old North Central Regional authority No. 4 be vested in Greater North Central Regional authority No. 2.

i) Pursuant to section 223.8 of the **School Act**, The Northeast Francophone Co-ordinating Council established March 4, 1994 by Ministerial Order 028/94 is dissolved and having considered that an adjustment of assets and liabilities may be necessary, I direct that all assets and liabilities of The Northeast Francophone Co-ordinating Council be vested in Greater North Central Regional authority No. 2.

The East Central Francophone Education Region No. 3

3 a) Pursuant to section 223.1 of the **School Act**, and as a result of regionalizations and amalgamations of public school districts, school divisions and counties it is hereby ordered that all the lands that form the following school divisions, regional divisions and public school districts shall be contained within The East Central Francophone Education Region No. 3 ("The East Central Francophone Education Region No. 3"):

Northern Lights School Division No. 69
Aspen View Regional Division No. 19
St. Paul Regional Division No. 1 (those portions described in the County of St. Paul No. 19 Ward and the St. Paul School District No. 2228 Ward)

b) Pursuant to section 223.3 of the **School Act,** it is hereby ordered that The East Central Regional authority No. 3 established by Ministerial Order 030/94 dated March 14, 1994 is continued and the members of the Regional authority continue as a corporation under the name of "The Regional authority of the East Central Francophone Education Region No. 3" ("East Central Regional authority No.3").

c) Pursuant to section 223.3 of the **School Act,** the following persons shall continue as members of East Central Regional authority No. 3 and shall continue to hold office until the first organizational meeting of East Central Regional authority No. 3 held after the 2001 general elections:

i) Guy Palin
i) Roger Pellerin
iii) Ernest Piquette
iv) Léo Piquette
v) Murielle St. Arnault

d) The number of trustees to be elected to East Central Regional authority No. 3 shall continue to be five (5).

GOVERNMENT OF ALBERTA

DEPARTMENT OF LEARNING

MINISTERIAL ORDER (#004/2000)

I, Dr. Lyle Oberg, Minister of Learning, pursuant to sections 2.1, 209, 210, 211, 212, 219, 223.1, 223.3, 223.8 of the **School Act,** make the Order in the attached Appendix, being The Greater Southern Regional authority No. 4 Establishment Order.

DATED at Edmonton, Alberta JANUARY 26, 2000.

MINISTER OF LEARNING

APPENDIX

MINISTERIAL ORDER (#004/2000)

Establishment of The Greater Southern Francophone Education Region No. 4

1 a) Pursuant to section 2.1 and 210 of the **School Act,** all the lands are taken from the following Francophone Education Region and are added to The South Central Francophone Education Region No. 4 described in section 4 of Ministerial Order No. 025/99 dated September 1, 1999.

Southern Francophone Education Region No. 5

b) Pursuant to sections 2.1, 210 and 211 of the **School Act,** the following Francophone Education Region is dissolved:

Southern Francophone Education Region No. 5

c) Pursuant to sections 2.1 and 209 of the **School Act,** the name and number of "The South Central Francophone Education Region No. 4" is altered to "The Greater Southern Francophone Education Region No. 4".

d) Pursuant to section 223.1 of the **School Act,** it is hereby ordered that all lands that form the following school divisions, regional divisions and public school districts shall be contained within The Greater Southern Francophone Education Region No. 4:

Prairie Rose Regional Division No. 8
Foothills School Division No. 38
Rocky View School Division No. 41
Golden Hills Regional Division No. 15
Canadian Rockies Regional Division No. 12
Chinook's Edge Regional Division No. 5 (those portions described in the County of Mountain View No. 17. Ward)
Calgary School District No. 19

Prairie Land Regional Division No. 25 (those portions described in the Berry Creek School Division No. 1 Ward, the Rangeland School Division No. 9 Ward and the Starland School Division No. 30 Ward)
Westwind Regional Division No. 9
Grasslands Regional Division No. 6
Livingstone Range School Division No. 68
Horizon School Division No. 67
Palliser Regional Division No. 26
Lethbridge School District No. 51
Medicine Hat School District No. 76

e) Pursuant to section 223.3 of the **School Act,** it is hereby ordered that The Regional authority of the Greater Southern Francophone Education Region No. 4 is established and the members of the Regional authority are a corporation under the name of the "The Regional authority of the Greater Southern Francophone Education Region No. 4" ("Greater Southern Regional authority No. 4").

f) Pursuant to section 223.3 of the **School Act,** the following persons are appointed as the first members to Greater Southern Regional authority No. 4 and shall hold office until the first organizational meeting of Greater Southern Regional authority No. 4 held after the 2001 general election:

i) Nicole Buret
ii) Mireille Dunn
iii) Odette Pettem
iv) Ghislaine Pilon
v) Christopher Pollard

g) The number of trustees to be elected to Greater Southern Regional authority No. 4 shall be five (5).

h) Pursuant to section 223.8 of the **School Act**, The Southern Francophone Co-ordinating Council and The South Central Francophone Co-ordinating Council are dissolved and having considered that an adjustment of assets and liabilities may be

necessary, I direct that all assets and liabilities of both The Southern and The South Central Francophone Co-ordinating Councils be vested in Greater Southern Regional authority No. 4.

2 Ministerial Order No. 025/99 dated September 1, 1999 is amended by this Order.

3 This Order shall come into effect on February 1, 2000.

GOVERNMENT OF ALBERTA
DEPARTMENT OF LEARNING

MINISTERIAL ORDER (#016/2000)

I, Dr. Lyle Oberg, Minister of Learning, pursuant to sections 2.1, 55, 209, 210, 211, 212, 219, 223.1, 223.3 and 223.5 of the **School Act**, make the Order in the attached Appendix, being The Greater Southern Separate Catholic Regional authority No. 4 and The Greater Southern Public Regional authority No. 4 Establishment Order.

DATED at Edmonton, Alberta July 7, 2000.

MINISTER OF LEARNING

APPENDIX

MINISTERIAL ORDER (#016 /2000)

The Greater Southern Separate Catholic Regional authority No. 4 and The Greater Southern Public Regional authority No. 4 Establishment Order

1 a) Pursuant to section 223.1 of the **School Act,** it is hereby ordered that The Greater Southern Separate Catholic Francophone Education Region No. 4 and The Greater Southern Public Francophone Education Region No. 4 are established and that all lands that form the following school divisions, regional divisions, separate school districts and public school districts shall be contained within these two newly established regions.

Calgary Roman Catholic Separate School District No. 1
Christ the Redeemer Catholic Separate Regional Division No. 3
Holy Spirit Roman Catholic Separate Regional Division No. 4
Medicine Hat Catholic Separate Regional Division No. 20
Prairie Rose Regional Division No. 8
Foothills School Division No. 38
Rocky View School Division No. 41
Golden Hills Regional Division No. 15
Canadian Rockies Regional Division No. 12
Chinook's Edge Regional Division No. 5 (those portions described in the County of Mountain View No.17 Ward)
Calgary School District No. 19
Prairie Land Regional Division No. 25 (those portions described in the Berry Creek School Division No. 1 Ward, the Rangeland School Division No. 9 Ward and the Starland School Division No. 30 Ward)
Westwind Regional Division No. 9
Grasslands Regional Division No. 6
Livingstone Range School Division No. 68
Horizon School Division No. 67
Palliser Regional Division No. 26
Lethbridge School District No. 51
Medicine Hat School District No. 76

b) Pursuant to sections 2.1 and 210 of the **School Act,** all the lands are taken from The Greater Southern Francophone Education Region No. 4 described in section 1 of Ministerial Order No. 004/2000 dated January 26, 2000 and are added to:

The Greater Southern Separate Catholic Francophone Education Region No. 4 and
The Greater Southern Public Francophone Education Region No. 4

c) Pursuant to sections 2.1, 210 and 211 of the School **Act,** the following Francophone Education Region is dissolved:

The Greater Southern Francophone Education Region No. 4

d) Pursuant to section 223.3 of the **School Act,** it is hereby ordered that The Regional authority of The Greater Southern Separate Catholic Francophone Education Region No. 4 is established and the members of the Regional authority are a corporation under the name of the "The Regional authority of The Greater Southern Separate Catholic Francophone Education Region No. 4" ("Greater Southern Separate Catholic Regional authority No. 4").

e) Pursuant to section 223.3 of the **School Act,** the following persons are appointed as the first members to Greater Southern Separate Catholic Regional authority No. 4 and three (3) additional members shall be elected early in the 2000/2001 school year and all members shall hold office until the first organizational meeting of Greater Southern Separate Catholic Regional authority No. 4 held after the 2001 generai election:

i) Odette Pettem
ii) Ghislaine Pilon

f) The number of trustees to be elected to Greater Southern Separate Catholic Regional authority No. 4 in the 2001 general election shall be three (3).

g) Pursuant to section 223.3 of the **School Act,** it is hereby ordered that The Regional authority of The Greater Southern Public Francophone Education Region No. 4 is established and the members of the Regional authority are a corporation under the name of "The Regional authority of The Greater Southern Public Francophone Education Region No. 4" ("Greater Southern Public Regional authority No. 4").

h) Pursuant to section 223.3 of the **School Act,** the following persons are appointed as the first members to Greater Southern Public Regional authority No. 4 and two (2) additional members shall be elected early in the 2000/2001 school year and all members shall hold office until the first organizational meeting of Greater Southern Public Regional authority No. 4 held after the 2001 general election:

i) Nicole Buret
ii) Mireille Dunn
iii) Christopher Pollard

i) The number of trustees to be elected to Greater Southern Public Regional authority No. 4 in the 2001 general election shall be three (3).

j) Pursuant to section 223.5 of the School Act, The Greater Southern Francophone Regional authority No. 4 is dissolved and having considered that an adjustment of assets and liabilities may be necessary, I direct that all assets and liabilities of The Greater Southern Francophone Regional authority No. 4 be vested in Greater Southern Separate Catholic Regional authority No. 4 and Greater Southern Public Regional authority No. 4 in such a manner as to support a single administrative system for the two regional authorities.

k) Pursuant to section 55 of the **School Act,** I direct that the quorum for both regional authorities shall be two (2) until the election of the additional trustees as referred to in clauses (e) and (h). Thereafter the quorum shall be three (3).

2 Ministerial Order No. 004/2000 dated January 26, 2000 is repealed by this Order.

3 This Order shall come into effect on date of signing.

Census of Electors
School Act (section 256)

STATEMENT OF ELECTOR ELIGIBILITY

I, _____
(Name)

of _____
Address/P.O. Box

_____
City Postal Code

am eligible to vote at the election of members for:

☐ The Regional authority of the Northwest Francophone Education Region No. 1

☐ The Regional authority of the North Central Francophone Education Region No. 2

☐ The Regional authority of the East Central Francophone Education Region No. 3

Because I meet the three following criteria:

- I have a child enrolled (Kindergarten to grade 12) in a school operated by the above-noted Regional authority.
- I am 18 years of age or older.
- I am a Canadian citizen.

I am a Roman Catholic

Yes ☐

No ☐

_____
(Signature of Elector)

IT IS AN OFFENCE TO SIGN A FALSE STATEMENT

Recensement des électeurs

School Act (article 256)

ATTESTATION DU DROIT DE VOTE DE L'ÉLECTEUR ET DE L'ÉLECTRICE

Je soussigné(e), _____
Nom

résidant à _____
Adresse/Boîte postale

_____
Ville Code postal

déclare avoir le droit de voter lors de l'élection des membres de :

☐ l'Autorité régionale de la région francophone du Nord-Ouest n° 1

☐ l'Autorité régionale de la région francophone du Centre-Nord n° 2

☐ l'Autorité régionale de la région francophone du Centre-Est n° 3

parce que je réponds aux trois exigences suivantes :

- J'ai un enfant inscrit (de la maternelle à la 12e année) dans une école gérée par l'Autorité régionale mentionnée ci-dessus).
- J'ai 18 ans ou plus.
- Je détiens la citoyenneté canadienne.

Je suis de foi catholique romaine.

Oui ☐

Non ☐

_____
(Signature de l'électeur ou de l'électrice)

LE FAIT DE SIGNER UNE FAUSSE DÉCLARATION CONSTITUE UNE INFRACTION.